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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,043	04/11/2001	Mai-lan Tomsen	005217.P005C	1763

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EXAMINER

MURPHY, TIMOTHY M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,043

Applicant(s)

TOMSEN ET AL.

Examiner

Timothy Murphy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5,6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (6,567,984) in view of Thompson et al (6,484,011).

In regards to Claims 1, 6, 11 and 16, Allport discloses of a method, article of manufacture, and a system comprising, a television network (85) connectable to a communications network (90), as part of an interactive transmission (col. 4, lines 37-63). Allport further discloses of a client terminal (base station unit 75), which receives the broadcast segment (Fig. 2, signal 90 to base station unit 75) from a television network (85) and provides the broadcast segment to a first screen (TV 80). The system includes a user input device (remote control unit 10), which communicates with the client terminal (base station unit 75), where the user input device (10) has a transceiver (280) that can receive the supplemental information (col. 15, lines 12-20). Further, the user input device (remote control unit 10) may have a storage medium (memory 330, 335, 340) in which to store the received supplemental information (data stream 275 and col.

15, lines 15-17 and 36-47), and a processor (CPU 320). The processor further is able to process the supplemental information, while initiating a command to the client terminal for transacting (obtaining) supplemental information (col. 4, lines 1-11) via a second screen (remote control unit 10 and LCD display 380). However, Allport fails to complete the transaction subsequent to the completion of the broadcast segment as claimed.

Thompson, though, discloses of an interactive remote control system where the remote is capable of offering a response or transaction, on the remote's screen, to interactive offers even after the broadcast segment has completed (col. 3, lines 33-38 and lines 40-44). An advantage offered is allowing the user additional time after the completion of the broadcast segment to respond to interactive, or supplemental, information. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the system of Allport of an interactive system as claimed, to include a remote that can complete a transaction subsequent to the completion of the broadcast segment, as taught by Thompson, for the advantage of allowing the user to respond to supplemental information on the remote control unit after the broadcast segment has completed.

In regard to Claims 2, 7, 12 and 17, the combined systems of Allport and Thompson teach an interactive system. In particular, Allport discloses of a first screen capable of being presented by a television set (TV 80).

In regards to Claims 3 and 8, the combined systems of Allport and Thompson teach an interactive system. In particular, Allport discloses of a television in combination with the base station that effectively performs the function of a computer (col. 12, lines 57 – col. 15, line 11). Alternatively, see “other primary displays,” (col. 3, lines 57-60).

In regards to Claims 4, 9, 13 and 19, the combined systems of Allport and Thompson teach an interactive system. In particular, Allport discloses that the second screen is presented at the user input device (remote 10; Abstract).

In regards to Claims 5, 10, 14 and 20, the combined systems of Allport and Thompson teach an interactive system. In particular, Thompson discloses that the transaction can be taken place at the user input device (col. 3, lines 26-45).

In regards to Claims 15 and 18, the combined systems of Allport and Thompson teach an interactive system. In particular, Allport discloses of “swapping” the program from the 2nd screen to the 1st screen (col. 11, lines 23-26).

Conclusion

3. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

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depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Murphy whose telephone number is (703) 305-8144. The examiner can normally be reached on M-F 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tmm


CHRIS GRANT
PRIMARY EXAMINER